

AO 91 (Rev. 08/09) Criminal Complaint

Harwood / Arrested

UNITED STATES DISTRICT COURT

for the
Western District of Texas

FILED

JUL 24 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY

United States of America)

v.)

Kevin Daniel Gaudin)

Case No.)

*7:19-MJ-242**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 24th, 2019 in the county of Ector in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 USC 922(g)(1)

Felon in Possession of Firearm.

21 USC Sec. 841

Possessing a Controlled Substance with intent to distribute a fifty grams or more of actual methamphetamine.

This criminal complaint is based on these facts:

See attached

☒ Continued on the attached sheet.*[Signature]**Complainant's signature*

Gerardo Ornelas, Investigator, Ector County SO

Printed name and title

Sworn to before me and signed in my presence.

Date:

*7-24-19**[Signature]**Judge's signature*

City and state:

Midland, Texas

Ronald C. Griffin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Gerardo Ornelas, Task Force Officer (TFO), Drug Enforcement Administration (DEA), United States Department of Justice, being first duly sworn, deposes and states as follows:

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 3053. I have been employed as a Deputy Sheriff with the Ector County Sheriff's Office for approximately eight years. For the first four years I was assigned to Patrol Division. For the past four years I have been assigned as an investigator investigating narcotics and vice offenses. I'm currently assigned to DEA as a Task Force Officer investigating narcotics and vice offenses. I am currently assigned to the investigation of Kevin Daniel GAUDIN on the accusation that they committed an offense against the United States of Felon in Possession of Firearm, in violation of 18 United States Code, Section 922(g) and Possession with the intent to distribute 50 grams or more of actual methamphetamine violation of 21 United States Code, section 841.
2. The sole purpose of this affidavit is to establish that there is probable cause to believe that Kevin Daniel GAUDIN engaged in specific criminal activity. This affidavit is made, in part, on the personal knowledge derived from participation in this investigation and, in part, upon information and belief. The source of information and belief are: oral and written reports about this investigation that have been received, either directly or indirectly from other local law enforcement officers. This affidavit does not contain all information known to law enforcement officers concerning this matter.
3. On Wednesday, July 24th, 2019 Ector County Sheriff's Office (ECSO) Special Investigations Unit (SIU) were contacted by Deputy Dustin Alderman reference to a stop he had conducted. Deputy Alderman had received information reference to an individual operating a unknown color of motorcycle that was stolen. Deputy Alderman stated the information stated the individual was going to be in possession of a firearm and methamphetamine.
4. Deputy Alderman observed a motorcycle matching the description of the information he had received at the Stripes located at 10510 W. 42nd Street. Deputy Alderman noticed the motorcycle did not have a rear license plate displayed on it and appeared to have been spray painted. Deputy Alderman observed Kevin Daniel GAUDIN. Deputy Alderman observed GAUDIN to be very nervous and quickly got onto the bike.

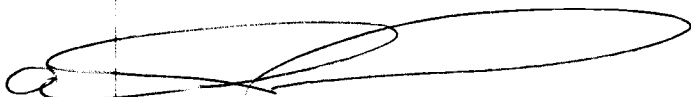
5. Deputy Alderman observed as GAUDIN was getting onto the motorcycle and recognized the outline or imprint of a pistol in GAUDIN's waistband. GAUDIN was taken off the motorcycle by Deputy Alderman. At that time GAUDIN stated without his penal interest that he was armed and had a weapon. Deputy Alderman quickly detained GAUDIN and located a Taurus, PT111, 9mm, serial # TDN54798, that was manufactured in Miami Florida in GAUDIN's waistband.
6. Deputy Alderman was told by GAUDIN that he did have "DOPE" in his left pocket. With consent Deputy Alderman retrieved a large plastic clear bag with 192.6 gross grams of suspected methamphetamine inside of it. GAUDIN was read his Miranda Warnings and agreed to talk with law enforcement. GAUDIN stated that he had a possible stolen firearm at his residence located a 1443 Brittany Lane in Odessa, Ector County, Texas.
7. GAUDIN was transported to his residence mentioned above. GAUDIN did give written consent to search his room and retrieve the stolen firearm. The firearm was located in a dresser drawer and described as a Lorcin, L380, serial # 079072, manufactured in Mira Loma, California. The firearm did come back stolen out of New Mexico.
8. GAUDIN was later transported to the ECSO. TFO Gerardo Ornelas and Investigator Mark Luna met with GAUDIN. TFO Ornelas read and gave GAUDIN his Miranda Warnings witnessed by Investigator Luna. GAUDIN did waive his rights and agreed to speak with law enforcement. GAUDIN stated he had the firearm for protection and wanted to be armed so he could protect his girlfriend. GAUDIN stated he knew he was a convicted felon and was not suppose to be in possession of a firearm. GAUDIN stated the methamphetamine located on his person was for him to sell to help pay off a debt. GAUDIN stated he had just got the methamphetamine the same night.
9. Investigator Ornelas then contacted Assistant United States Attorney Glenn Harwood and informed him of the incident. AUSA Harwood did agree to prosecute GAUDIN on the federal level.

CRIMINAL HISTORY

10. On May 26th, 2006, GAUDIN was convicted of Burglary of a Habitation a State Jail Felony in Ector County and sentenced to 9 month confinement.
11. On May 26th, 2006, GAUDIN was convicted of Theft of Property a State Jail Felony in Ector County, Texas and sentenced

to 9 months confinement.

12. On July 24th, 2006, GAUDIN was convicted of Unlawful Possession of a Firearm by Felon a Third Degree Felony in Ector County, Texas and sentenced 4 years confinement.
13. If convicted GAUDIN face a minimum mandatory term of imprisonment of 10 years, up to life in prison, a 5 year minimum mandatory term of supervised release, a maximum fine of \$10,000,000, and a \$100 Special Assessment. GAUDIN faces a minimum mandatory term of imprisonment of ten years, up to life in prison, a five year minimum mandatory term of supervised release, a maximum fine of \$4 million, and a \$100 Special Assessment for felon in possession of a firearm.



Investigator Gerardo Ornelas,
Ector County Sheriff's Office

Sworn and Subscribed before me this 24th day of July 2019.



United States Magistrate Ronald C. Griffin